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| 09/880,070 | 06/14/2001 | Hiroshi Tsuda | 826.1730 | 6446 |

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| EXAMINER |
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LEROUX, ETIENNE PIERRE

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| ART UNIT | PAPER NUMBER |
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2161

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/880,070

Applicant(s)

TSUDA, HIROSHI

Examiner

Etienne P LeRoux

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7,8 and 10-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7,8 and 10-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Claims Status

Claims 1-5, 7, 8 and 10-21 are pending. Claims 6 and 9 have been cancelled. Claims 1-5, 7, 8 and 10-21 are rejected as detailed below.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-5 and 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 recites “the reference relation defining a relationship between the first documents and second documents inside or outside the community linked to the first documents.” The specification does not contain a concise description of the claimed “reference relation” such that a skilled technician can make and use the invention.

Claim 1 includes first documents, second documents and third documents. The specification does not contain a concise description of above first documents, second documents and third documents such that a skilled technician can make and use the invention.

Claims 2-5 are rejected for being dependent from a rejected base claim.

Claim 16 recites “the significance level indicating a relationship between original documents and other documents inside or outside the community which are linked to the original documents.” The specification does not contain a concise description of above original documents and other documents such that a skilled technician can make and use the invention. The specification contains a plurality of documents but does not include “original documents.”

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites “the reference relation defining a relationship between the first documents and second documents inside or outside the community linked to the first documents.” The scope of the invention is difficult to determine because the specification does not define reference relation.

Claim 1 includes first documents, second documents and third documents. The scope of the invention is difficult to determine because the specification does not define first documents, second documents and third documents. Furthermore, it is unclear exactly how many documents comprises a first document, a second document and a third document.

Claims 2-5 are rejected for being dependent from a rejected base claim.

Claim 16 recites “the significance level indicating a relationship between original documents and other documents inside or outside the community which are linked to the original documents.” The scope of the invention is difficult to determine because the specification does not contain a concise description of above original documents and other documents. For purposes of this office action, examiner assumes that a community profiler 60, Fig 2 disclosed by Chidlovskii reads on the claimed original documents.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 16 is rejected under 35 U.S.C. 102(e) as being anticipated by US Pat No 6,327,590 to Chidlovskii et al , hereafter Chidlovskii, as best examiner is able to ascertain.

Claim 16:

Chidlovskii discloses:

transmitting information for retrieval of the documents to a server [col 3, lines 1-5]

receiving the document [col 3, lines 1-5, col 3, lines 30-40] retrieved separately from inside and outside the community according to the information for retrieval together with

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information indicating a significance level [col 3, lines 30-40] for the community, the significance level indicating a relationship between original documents and other documents inside or outside the community which are linked to the original documents [term-weight vector/ user profile is calculated from documents, col 6, lines 6-26, relative ranking according to term-weight vector, col 8, lines 55-60]

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 10, 11, 14, 15, 18, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat No 6,675,170 issued to Flake (hereafter Flake) in view of admitted prior art disclosed by Flake, as best examiner is able ascertain.

Claim 1:

Flake discloses:

collecting documents equal to or larger, in number, than a predetermined value [one or more seed documents 100, Fig 3, shows three] from inside a community [baseball per col 4, lines 33-44, col 4, lines 64-67] based on a reference of the document

- collecting documents from inside and outside the community based on the reference of collected documents after collecting the documents equal to or larger in number than the

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predetermined value from inside the community [Fig 1, 102, col 4, lines 23-32, community of related sites 102, Fig 1].

Flake discloses the elements of instant claim as noted above. Flake fails to disclose collecting documents equal to or larger, in number, than a predetermined value through the network. Flake as admitted prior art discloses collecting documents equal to or larger, in number, than a predetermined value through the network [col 1, lines 55-63]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Flake to include collecting documents equal to or larger, in number, than a predetermined value through the network as taught by Flake as admitted prior art for the purpose of providing a user with highly ranked documents relating to the field of interest of the user [col 1, lines 55-63].

Claim 10:

Flake discloses summarizing said collected document group based on a referencing expression used in the collected document group [col 4, lines 23-32]

Claim 11:

Flake discloses assigning a keyword to the collected document based on a referencing expression used in the collected document [col 4, line 16].

Claim 14:

Flake discloses counting a reference frequency at which each collected document is referenced by the referencing expression when the number of different documents is smaller than a predetermined value; and determining whether or not the referencing expression is assigned as

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the keyword based on the number of different documents and the reference frequency [col 4, lines 19-22]

Claim 15:

Flake discloses combining the keyword based on the referencing expression with a keyword extracted from text of the collected document, and a keyword extracted from information indicating a position in the network about the collected document [col 3, lines 12-35]

Claim 18:

Flake discloses:

- a next prospect determination unit determining a prospect to be collected next based on a reference between a positive sample document group which is a document group related to a field and a negative sample document group which is a document group less related the field; and
- a document collection unit collecting the prospect from the network [col 8, lines 1-10, col 4, lines 23-32]

Claim 19:

Flake discloses a computer-readable recording medium recording a program used to direct a computer to control collection of a document from a network, comprising: collecting documents equal to or larger, in number, than a predetermined value from a community through the network based on a reference of the document; and collecting documents from inside and outside the community based on the reference of collected documents after collecting the

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documents equal to or larger, in number, than the predetermined value from inside the community [col 3, lines 12-35, col 4, lines 23-32]

Claim 21:

Flake discloses a computer data signal embodied on a carrier expressing a program used to direct a computer to control collection of a document from a network, said program allowing the computer to perform the process comprising: collecting documents equal to or larger than, in number, a predetermined value from inside a community in the network based on a reference of the document; and collecting documents from inside and outside the community based on the reference of collected documents after collecting documents equal to or larger, in number, than the predetermined value from the community [col 3, lines 12-35 and col 4, lines 23-32]

Claims 2, 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flake as applied to claim 1 above, and further in view of US Pat No 6,269,368 issued to Diamond (hereafter Diamond).

Claim 2:

Flake discloses the elements of claim 1 as noted above. Flake fails to disclose computing a significance level indicating a level of significance of the collected document according to the reference of the collected document and information about a position of the collected document in the network. Diamond discloses computing a significance level indicating a level of significance of the collected document according to the reference of the collected document and information about a position of the collected document in the network [col 12, lines 52-67]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to

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modify Flake to include disclose computing a significance level indicating a level of significance of the collected document according to the reference of the collected document and information about a position of the collected document in the network as taught by Flake for the purpose of matching a document to the substance of the query [col 12, lines 52-67].

Claim 3:

Flake discloses wherein said document to be collected is determined separately for inside the community and for outside the community [col 4, lines 23-32].

Claim 4:

Flake discloses presenting a result of retrieving the collected documents separately for inside the community and outside the community [col 3, lines 24-30].

Claims 7, 8 12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flake in view of US Pat No 6,269,368 issued to Diamond (hereafter Diamond).

Claims 7, 8 and 20:

Flake discloses:

- providing a positive sample document group [source documents, col 4, lines 49-55] which is a document group relating to a field, and a negative sample document group [sink documents, col 4, lines 49-55] which is a document group less related to the field
- determining a document which is to be collected and is related to the field based on a reference to the positive sample document group and the negative sample document group by computing a reference score [col 1, lines 55-63] indicating a level at which a

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document is referenced only by a document in the positive sample document group based on the reference

Flake discloses the elements of instant claim as noted above. Flake fails to disclose collecting a document having a high reference score as the document to be collected. Diamond discloses collecting a document having a high reference score as the document to be collected [col 3, lines 10-20, col 6, lines 2-22, col 8, lines 1-22, col 13, lines 1-13]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Flake to include collecting a document having a high reference score as the document to be collected as taught by Diamond for the purpose of tailoring additional queries [col 8, lines 1-10]. The skilled artisan would have been motivated to improve the invention of Flake per the above such that a system and method improves information retrieval effectiveness by dynamically combining evidence information produced by a plurality of retrieval systems [abstract].

Claim 12:

Flake discloses the elements of claim 1 as noted above.

Flake fails to disclose not assigning a keyword based on the referring expression when the referencing expression is used regardless of a content of a referenced document.

Official Notice is taken that not assigning a keyword based on the referring expression when the referencing expression is used regardless of a content of a referenced document

The ordinarily skilled artisan would have been motivated to modify Flake per the above for the purpose of searching for new material that is not covered by a keyword.

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1. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Flake in view of Pub No US 2002/0065671 to Goerz et al (hereafter Goerz).

Claim 13:

Flake discloses the elements of claims 1 and 11 as noted above.

Flake discloses counting a number of different documents referenced using the referencing expression [col 3, lines 30-35]. Flake fails to disclose not assigning the keyword based on the referencing expression when the number of different documents is equal to or larger than a predetermined value. Goerz discloses not assigning the keyword based on the referencing expression when the number of different documents is equal to or larger than a predetermined value [paragraph 55]. It would have been obvious to modify Flake to include not assigning the keyword based on the referencing expression when the number of different documents is equal to or larger than a predetermined value for the purpose of performing a key word search on a database of limited size [paragraph 55]. The skilled artisan would have been motivated to improve the invention of Flake per the above such that keyword searching is only used when the database being searched contains a limited number of documents and the task of the user is thus simplified because the user does not have to manually review search results containing a plurality of documents [paragraph 55].

2. Claims 5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flake in view of US Pat No 6,078,913 issued to Aoki et al (hereafter Aoki).

Claims 5 and 17:

Flake discloses the elements of claims 1 and 2 as noted above.

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Flake discloses a next prospect determination unit determining a prospect to be collected next based on a reference of a collected document; and a document collection unit collecting the prospect from the network, wherein said document collection unit collects the prospect from inside and outside the community after collecting documents larger in number than a predetermined value from inside the community [Fig 1 and col 4, lines 23-32]

Flake fails to disclose a community determination unit determining whether or not the prospect is in a community in the network according to information indicating a position in the network of the prospect.

Aoki '913 discloses a community determination unit determining whether or not the prospect is in a community in the network according to information indicating a position in the network of the prospect [Fig 1 and col 5, lines 12-35].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Flake to include a community determination unit determining whether or not the prospect is in a community in the network according to information indicating a position in the network of the prospect as taught by Aoki '913.

The ordinarily skilled artisan would have been motivated to modify Flake per the above for the purpose of improving the invention by providing information regarding whether the information is in the local system or in the remote system

Response to Arguments

Applicant's arguments filed 6/15/2004 have been fully considered but they are not persuasive. Applicant's arguments directed to claim language are addressed below.

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Applicant States:

Applicant states in the second paragraph on page 8, "Nothing has been found in the cited portions or any other portions of Chidlovskii et al suggesting a significance level indicating a relationship between original documents and other documents inside or outside [a] community which are linked to the original documents (claim 16), last three lines). Therefore, it is submitted that claim 16, as amended, patentably distinguishes over Chidlovskii et al."

Examiner Responds:

Examiner is not persuaded. Claim 16 is rejected in above office action under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The specification does particularly define original documents and other documents and thus the scope of the present invention is difficult to determine, in particular, it is unclear how the claimed significance level can be calculated when the significance level is based on undefined groups of documents. As best examiner is able to ascertain from the specification is that significance level comprises ranking of documents. Chidlovskii discloses ranking in column 5, lines 9-32.

Applicant Argues:

Applicant states in the first paragraph on page 9 "Unlike Flake which discloses how to create a community 102 of documents, claim 1 is directed to collecting documents that have already been grouped into documents in a community (claim 1, line 4) and documents outside the community (claim 1, line 6). No suggestion of collecting documents after creation of a community or subset has been found in the cited portions of Flake."

Examiner Responds:

Examiner is not persuaded. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., collecting documents that have already been grouped into documents in a community and documents outside the community and furthermore, collecting documents after creation of a community or subset) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant Argues:

Applicant states in the second paragraph on page 9, "Once the correspondence between groups of documents recited in the claims and disclosed by Flake is understood, it is immediately apparent that Flake does not perform the operation of collecting first documents from inside a community (claim 1, lines 3-4). The only collection that occurs in Flake is the collection of additional documents similar to the documents in the seed set 100. For reasons set forth above, it is submitted that claim 1 and claims 10, 11 14 and 15 which depend therefrom patentably distinguish over Flake."

Examiner Responds:

Examiner is not persuaded. Claim 1 is rejected in above office action under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The specification does particularly define the claimed first documents and thus the scope of the present invention is difficult to determine. First is equated with the ordinal one¹ and thus it is difficult to ascertain

¹ Webster's New World College Dictionary, Fourth Edition

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how a first document can be a plurality of documents. For purposes of this examination, examiner assumes the following disclosure by Flake in column 4, lines 23-32, reads on a first document:

Referring now to FIG. 1, the methods of the present invention solve the following problem: given one or more prototype documents 100, divide a database into two subsets such that one subset 102 contains all documents that are "similar" to the prototypes 100, and the other subset contains all documents that are "dissimilar" to the prototypes 100. The prototype documents are alternatively referred to herein as "seed" documents, and the collection of seed documents is referred to as a source document.

Examiner maintains that above collection of seed documents which is referred to as a source document reads on the claimed first documents, as best examiner is able to ascertain.

Applicant Argues:

Applicant states in the third paragraph on page 9 "On pages 7-12, claims 2-5, 7, 12, 13, 17 and 20 were rejected under 35 USC § 103(a) as unpatentable over Flake in view of Diamond, Goerz et al, or Aoki et al. Nothing was cited or has been found in any of these three secondary references suggesting modification of Flake to overcome the deficiencies discussed above with respect to claim 1. Since claims 2-5, 12 and 13 depend from claim 1, it is submitted that claims 2-5, 12 and 13 patentably distinguish over any combination of these four references for at least the reasons discussed above with respect to claim 1.

Examiner Responds:

Examiner is not persuaded. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicant Argues:

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Applicant states in the fourth paragraph on page 9 "In rejecting claims 7, 8, 12 and 20, column 12, lines 52-67 of Diamond was cited. This portion of Diamond describes matcher/combiner 55 which performs matching between documents and the query (column 12, lines 52-53). Claim 20 recites providing a positive sample document group which is a document group relating to a field, and a negative sample document group which is a document group less related to the field (claim 20, lines 4-5), not a query as taught by Diamond. As discussed above, Flake supplies a positive sample group, no negative sample group is provided. Therefore, it is submitted that claim 20 patentable distinguishes over the combination of Flake and Diamond.

Examiner Responds:

Examiner is not persuaded. Consider the following claim 20 limitations:

determining a document to be collected relating to the field based on a reference relation to the positive sample document group and the negative sample document group

the reference relation defining a relationship between original documents and other documents inside or outside the community which are linked to the original documents

The above limitations are indefinite for the following reasons. The specification does not particularly define the claimed reference relation with respect to the positive sample document group and with respect to the negative sample document group. It is unclear how reference relation is developed and used in the present application.

The situation becomes more indefinite because the reference relation is also based on the original documents and other documents. Original documents and other documents are not clearly defined in the specification as noted above. Examiner is confused by the claim 20

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parameter "reference relation." As best examiner is able to ascertain, the combination of above references reads on the limitations of claim 20.

Applicant Argues:

Applicant states in the final paragraph on page 9 "At the end of the discussion of the rejection of claims 7, 8 and 20 (in the paragraph preceding the heading Claim 12, there is a reference to teachings of Sundaresan (Office Action, page 9, line 14). If an additional reference besides Flake and Diamond was intended to be used to reject claims 7, 8 and 20, the examiner is respectfully requested to identify the reference."

Examiner Responds:

Examiner thanks applicant for pointing out a typographical error. The office action is correct in that claims 7, 8 and 20 are rejected over Flake in view of Diamond. The references to Sundaresan are in error. Examiner provides as noted above, corrected references to the relevant teachings of Diamond.

Applicant Argues:

Applicant includes in the first paragraph on page 10, "As discussed above with respect to claim 1, Flake does not teach searching two sets of documents as recited in claim 17. Neither the cited portion or anything else in Aoki '913 has been found that suggests modification of Flake to perform these operations. Therefore, it is submitted that claim 17 patentably distinguishes over Flake in view of Aoki '913.

Examiner Responds:

Examiner is not persuaded. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant

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relies (i.e., two sets of documents) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

It is useful to consider the claim limitations of claim 17. The relevant limitations to the above discussion relative to sets of documents are given below:

a next prospect determination unit determining a prospect to be collected next based on a reference relation of a collected document

the reference relation defining a relationship between original documents and other documents inside or outside the community which are linked to the original documents

a community determination unit determining whether or not the prospect is in a community in the network according to information indicating a position in the network of the prospect

a document collection unit collecting the prospect from the network, wherein said document collection unit collects the prospect from inside and outside the community after collecting documents larger in number than a predetermined value inside the community

Examiner is confused by applicant's statement that there are two sets of documents claimed in claim 17. A cursory consideration of claim 17 discloses the following groups of documents:

- (1) a prospect to be collected inside the community
- (2) a prospect to be collected outside the community
- (2) a collected document
- (3) original documents inside the community
- (4) original documents outside the community
- (5) other documents inside the community

(6) other documents outside the community

Considering the indefiniteness of applicant's comments relative to applicant's claim language with respect to the number of documents, examiner maintains as best examiner is able to ascertain, that claims 5 and 17 are unpatentable over Flake in view of Aoki.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached on 8:00-4:30.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Etienne LeRoux

June 2, 2005


MOHAMMAD ALI
PRIMARY EXAMINER